

REMARKS

I. Election / Restrictions

Applicant hereby affirms the provisional election to prosecute the claims 1-17 of Group II. Applicant cancels the non-elected claims. Applicant hereby reserves the right to file divisional applications on the non-elected claims, Group I (claims 18-27).

II. Rejection under 35 U.S.C. § 102

Claims 1-17 were rejected under 35 U.S.C. § 102 as being anticipated by Kato et al., EP 1 016 741 A1. Claims 1-17 were also rejected under 35 U.S.C. § 102 as being anticipated by Ridland et al., WO 99/28033. Applicant respectfully requests reconsideration of this application in view of the amendments and remarks presented herein.

Claim 1 has been amended to recite, “consisting essentially of” instead of “comprising or is produced by combining said”. Support is found on page 3, lines 16-20. Claim 2 has been amended to add dependency on new claim 28. Claims 3 and 4 have been amended to correct the preamble to “composition” instead of “process” for consistency with claim 1. Claim 9 has been amended to depend on claim 1 instead of claim 5. Claim 12 has been amended to recite, “consisting essentially of” instead of “comprising or is produced by combining said”. Support for the added language is found on page 3, lines 16-20.

Claim 13 has been amended to recite, “consisting essentially of” instead of “comprising or is produced by combining said” and further to recite the titanium content is less than 0.8% by weight. Support is found on page 3, lines 22-25 and page 10, line 30, bridging to page 11, line 2. Claim 16 has been amended to recite a titanium content of 0.05% to 0.5%. Support is found on page 7, lines 9-11. Claim 17 has been amended to recite “consisting essentially of” instead of “comprising or is produced by combining said”.

Kato et al. do not disclose or suggest a stable solution composition. Kato et al. disclose, in a process to produce poly(trimethylene terephthalate), adding a phosphorus compound, preferably, an organic phosphorus compound, such as a phosphate or phosphite, at any stage of the polymerization. The polymerization reaction mixture does not consist essentially of a titanium compound, a glycol, a phosphorus compound and optionally water. Nor does the reaction mixture of Kato et al. consist essentially of a titanium compound, a glycol, water and optionally a phosphorus compound.

Kato et al. suggest only adding an organic phosphorus compound, such as a phosphate or a phosphite. None of the phosphorus compounds in new claim 28 are an organic phosphate or an organic phosphite.

Ridland et al. do not disclose or suggest a solution composition per the amended and new claims. Ridland et al. disclose an organometallic compound comprising the reaction product of a titanium orthoester, an alcohol containing at least two hydroxyl groups, an organophosphorus compound containing at least one P-OH group and a base. The organophosphorus compound can be selected from phosphates, pyrophosphates, phosphonates, phosphinates and phosphites. Preferred organophosphorus compounds are substituted or unsubstituted alkyl or aryl phosphate, or a phosphate of an alkylaryl glycol ether or an alkyl glycol ether.

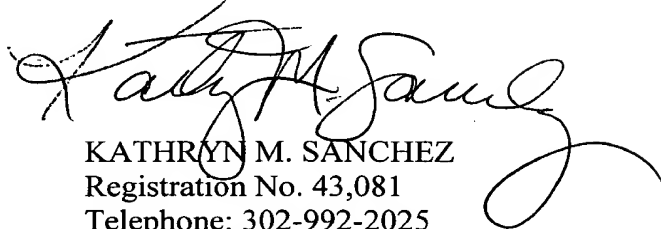
The organometallic compound of Ridland et al. does not consist essentially of a titanium compound, a glycol, a phosphorus compound and optionally water. Nor does the organometallic compound consist essentially of a titanium compound, a glycol, water and optionally a phosphorus compound.

Ridland et al. suggest only adding an organophosphorus compound, containing at least one P-OH group. None of the phosphorus compounds in new claim 28 are an organophosphorus compound containing at least one P-OH group.

CONCLUSION

Applicant therefore respectfully requests that the rejections be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn M. Sanchez', with a large, flowing loop at the end.

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